

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THE FLAG CO.,

Civil No. 05-1194-HU

Plaintiff,

v.

ORDER

BILL MAYNARD, STEVE ADAMS,
and RONALD THOMAS a/k/a/
RONALD ROTHSTEIN,

Defendants

MARSH, Judge.

Magistrate Judge Dennis James Hubel filed his Findings and Recommendation on June 30, 2006. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Hubel's Findings and Recommendation #124. Plaintiff's Motion (#117) to strike is granted in part and denied in part, as follows:

GRANTED as to affirmative defenses 5, 7, 8, 11 and 12, but defendants are granted leave to amend and replead them to include sufficient facts to explain the nature of the defenses; GRANTED as to affirmative defenses 6, 9 and 13.

DENIED as to affirmative defenses 1, 2, 3, 4, 9 and 10.

IT IS SO ORDERED.

DATED this 1 day of August, 2006.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge